



CENTRAL OHIO
ASSOCIATION FOR
JUSTICE

Justice · Service · Professionalism

The Barrister's Bulletin

Synopses of recent decisions affecting Central Ohio

Volume 3, Issue 4

COAJ Past President's Dinner

Past Presidents of COAJ and Sustaining Members met for the annual Past President's Dinner on November 13, 2012.



Pictured from left to right are Sean Harris, Past President Rick Topper, Bob Kerpsack, Past President Bob Wagoner, and Past President Jay Blue.

COAJ Mission

To promote justice for individuals in all local, state, and federal courts; to support our membership; to assist the legal community; to improve the judicial system; and to serve the citizens of Central Ohio.

Plaintiff not Bound by Judgment where she was not a Party

The Fifth District held that when a liability carrier obtains a default judgment against its insured, and the plaintiff/third party claimant is not made a party, plaintiff is not then bound by the insurer's default judgment. *Dalton v. Romano*, 2012-Ohio-5462.

Plaintiff Entitled to Attorney's Fees To Enforce Settlement

Where the defendant fails to make a payment agreed to as part of a settlement, and plaintiff moves the Court to enforce the settlement, plaintiff is entitled to an award of his attorney's fees. *Brown v. Spitzer Chevrolet Co.*, 2012-Ohio-5623.

Summary Judgment Improper When Pedestrian Struck Outside Crosswalk

Even though a pedestrian is out of the crosswalk area, the Tenth District has held that jury questions remain regarding the negligence of the driver and comparative fault of the pedestrian when a dispute remains as to which lane the pedestrian was in at the time she saw the vehicle. *McQueen v. Perry*, 2012-Ohio-5522.